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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,209	10/13/2004	Petrus Henricus Cornelius Bentvelsen	NL'020307	2145

7590   11/25/2005

Philips Electronics North America Corporation
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EXAMINER
RIZK, SAMIR WADIE

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11/13/2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-11</u> is/are rejected.

7) ☒ Claim(s) <u>6</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>13 November 2004</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTIONS

- Claims 1-11 have been submitted for examination

- Claims 1-5, 7-11 have been rejected

- Claim 6 is objected to

Drawings

1.   Figures 2 and 3 should be designated by a legend such as --Prior Art--
because only that which is old is illustrated. See MPEP § 608.02(g).
Corrected drawings in compliance with 37 CFR 1.121(d) are required in
reply to the Office action to avoid abandonment of the application. The
replacement sheet(s) should be labeled "Replacement Sheet" in the page
header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the
drawing figures. If the changes are not accepted by the examiner, the
applicant will be notified and informed of any required corrective action in
the next Office action. The objection to the drawings will not be held in
abeyance.

Claim Rejections - 35 USC § 112

2.   Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to
comply with the written description requirement.

The claim contains subject matter which was not as described in the

specifications.

The examiner believes based on the applicant description on page 4,

paragraphs 3 and 4 and figures 4b and 4c, claim 2 stipulates that **"all**

subcode bits of said first and said second predetermined symbol value

are set to bit value 1".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) The invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent or
(2) a patent granted on an application for patent by another filed in the United States before
the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Christensen, US publication no. 2002/0009033 A1   (Hereinafter

Christensen).

3.   In regard to calim1, Christensen teaches;

- Method of providing a read-only record carrier on which user

        data can be recorded at predetermined recordable positions of

        subcode frames of a subcode channel after mastering of said

        record carrier, comprising the steps of:

- setting the subcode symbols at said predetermined recordable

  positions to a first predetermined symbol value during

  mastering,

  (Note: Sections [0054]-[0058] and fig. 5 in Christensen)

- calculating for each subcode frame error detection data over

  certain subcode data of said subcode frame including said

  subcode symbols set to said first predetermined symbol value,

  (Note: Fig. Reference character 570 in Christensen)

- storing said error detection data at auxiliary data positions in

  said subcode frame, and

  (Note: Section [0061] and fig. 8 reference characters (820) and

  (830) in Christensen)

- setting error detection data positions in said subcode frame to a

  second predetermined symbol value, said predetermined

  recordable positions of said subcode frames being provided for

  recording of user data to it during writing of data and said error

  detection data positions of said subcode frames being provided

  for recording correct error detection data calculated after

  recording said user data to said predetermined recordable

  positions to it.

  (Note; section [0059] and fig. 6 in Christensen)

4.   In regard to claim 2, Christensen teaches;

- Method according to claim 1, wherein **all subcode bits** of said

  first and said second predetermined symbol value **are set** to bit

  value 1.

  (Note: Section [0051] in Christensen)

5.   In regard to claim 3, Christensen teaches;

- Method according to claim 1, wherein said user data comprise a

  unique identifier uniquely identifying said record carrier after

  recording said unique identifier at said predetermined

  recordable positions of said subcode frames.

  (Note: Section [0056] in Christensen)

6.   In regard to claim 4, Christensen teaches;

- Method as claimed in claim 1, wherein said subcode frames are

  part of a subcode Q-channel, particularly of an optical recording

  system for read-only optical discs.

  (Note: figures 4-6 in Christensen)

7.   Claim 5 is rejected for the same reasons as claim 4.

8.   Claims 7-11 are rejected for same reasons as claim 1.

Allowable Subject Matter

9.   Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The present invention pertains to a method of providing a read-only carrier on which user data can be recorded at predetermined recordable positions of subcode frame of a subcode channel after mastering of the record carrier.

Claim 4 recites;

Method as claimed in claim 1,wherein said subcode frames are part of a subcode Q-channel, particularly of an optical recording system for read-only optical discs.

Claim 6 recites;

Method as claimed in claim 4, wherein comprising a subcode bytes comprising a subcode symbol from each subcode channel are set to byte value **0x47 during mastering** so that for recording user data at said predetermined recordable positions said subcode bytes can be set to **0x07 by writing a mark at a predetermined location in said subcode byte**.

The prior Ad of record and, in particular Christensen, teach method for

identifying, to manufacturing of optical discs test equipment, copy

protected information contained on a compact disc.

However, the prior Art are not concerned with and do not teach the

specific subcode symbol from each subcode channel are set to byte value

0x47 during mastering so that for recording user data at said

predetermined recordable positions said subcode bytes can be set to

0x07 by writing a mark at a predetermined location in said subcode

byte.

Hence the prior Art taken alone or in any combination fail to teach the

claim novel feature in claims 6.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Saito, US publication no. 2004/0174791 A1, teaches Data

  recording medium.

- Brody et al. US patent 6718501 teaches Copy protection

  digital audio compact disc.

- Newman Us patent no. 6353890 teaches method for copy

  protecting a record carrier.

- Carson et al. US patent no. 6715122 teaches cop protection

  through symbol substitution and induced error.

- Spitzenberger, US patent n. 5930209 teaches optical disc with sector address irregularities to prevent copying.

- Sollish et al. US patent no. 6311305 teaches method and system for overriding error correction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady ca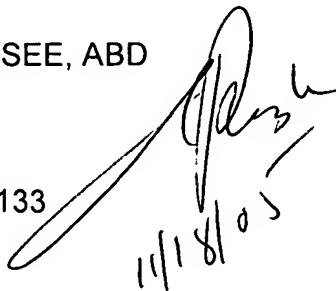n be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk, MSEE, ABD

Examiner

ART UNIT 2133

JOSEPH TORRES
PRIMARY EXAMINER